

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

EVELYN M. BAKER,

Plaintiff,

v.

Case No.: CL23-3063

WAWA, INC., d/b/a
WAWA STORE # 8645

Defendant.

**NOTICE OF FILING OF NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT**

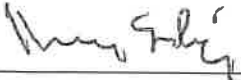
To: Hon. George E. Schaefer, Clerk
Norfolk Circuit Court
150 St. Paul's Boulevard, 7th Floor
Norfolk, VA 23510-2773

Please take notice that on May 11, 2023, the defendant, Wawa, Inc. d/b/a Wawa Store # 8645, by counsel, filed in the United States District Court for the Eastern District of Virginia, Norfolk Division, a Notice of Removal asking that Court to assume jurisdiction over this matter. A copy of the Notice of Removal, with attached exhibits, is attached as Exhibit A. As shown by the Certificate below, a copy of this Notice of Filing of Notice of Removal, with Exhibits, has today been served upon the plaintiff, through her counsel, by way of U.S. mail, first-class and postage prepaid, and filed electronically with the Clerk, United States District Court for the Eastern District of Virginia, Norfolk Division.

This notice is given pursuant to 28 U.S.C. § 1446(d), which provides that upon the giving of such notice, the state court shall proceed no further unless and until the case is remanded.



WAWA, INC. D/B/A WAWA STORE #
8645
By Counsel

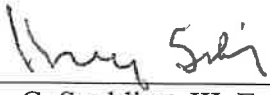


Henry C. Spalding, III (VSB No. 34382)
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, VA 23219-4140
Telephone: (804) 649-7545
Facsimile: (804) 780-1813
Counsel for Defendant Wawa, Inc. d/b/a Wawa Store # 8645

CERTIFICATE

I hereby certify that on this 11th day of May 2023, a true copy of the foregoing was sent
by and mailed, first-class and postage prepaid, to:

George T. Albiston, Esq.
Christopher M. Albiston, Esq.
Albiston, Brannon & Gilbert, PLLC
580 East Main Street, Suite 330
Norfolk, VA 23510
Counsel for Plaintiff



Henry C. Spalding, III, Esq.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

EVELYN M. BAKER,

Plaintiff,

v.

**LAW NO: _____
PLAINTIFF DEMANDS A
TRIAL BY JURY**

**WAWA, INC., d/b/a
WAWA STORE # 8645**

Defendant.

**SERVE: C T Corporation, Registered Agent
4701 Cox Road, Suite 285
Glenn Allen, VA 23060**

COMPLAINT

TAKE NOTICE that the Plaintiff, Evelyn Baker, hereby moves the Circuit Court of the City of Norfolk, at the courthouse thereof, for a judgment and award against, the Defendant, Wawa Inc., for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) for injuries sustained by the Plaintiff in a fall, and for reasons more specifically hereinafter set forth, to-wit:

1. That on or about the 20th day of April, 2022, the plaintiff, Evelyn Baker, was lawfully and properly a patron at Wawa located at 1146 N. Military Highway, Norfolk, Virginia.
2. That at the said time and place, the defendant, Wawa Inc., (hereinafter Wawa”), owned, maintained and controlled the aforementioned property as a business open to the public.
3. That at the said time and place, the defendant, Wawa, through its agents, servants and employees, owed a duty to have the property in a reasonably safe condition and to warn the plaintiff of any unsafe conditions which the defendant knew or should have known existed on the property



4. That a slippery substance was present near one of the cash registers, which caused plaintiff to fall and injure herself.


5. That by reason of the negligence of the defendant, Wawa, the plaintiff was caused to fall on the premises of the defendant and receive serious and permanent injuries.

6. That these injuries to the plaintiff have caused and will continue to cause and will in the future cause great physical pain, mental anguish and inconvenience; have required the plaintiff to expend large sums of money for medical expenses and will require her to incur medical expenses in the future.

7. As a direct and proximate result of plaintiff's injuries, she may reasonably be expected to sustain permanent injuries in the future, and the injuries may reasonably be expected to result in disfigurement and deformity with associated humiliation and embarrassment.

WHEREFORE, plaintiff moves the Court for a judgment and award against the defendant for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), with interest and costs aforesaid.

EVELYN M. BAKER

BY 
Of Counsel

George T. Albiston, Esquire
VA State Bar No: 22967
Christopher M. Albiston, Esquire
VA State Bar No: 94637
ALBISTON BRANNON & GILBERT
580 E. Main Street, Suite 330
Norfolk, VA 23510
Phone: (757) 625-1011
Facsimile: (757) 625-1051
Email: george@albistonlaw.com

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIACase No. _____
(CLERK'S OFFICE USE ONLY)

Norfolk

Circuit Court

Evelyn M. Baker
PLAINTIFF(S)

v./In re:

Wawa Inc d/b/a Wawa Store # 8645
DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impeding Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☒ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify) _____

☒ Damages in the amount of \$ 250,000.00 are claimed.

2-27-23

DATE

Christopher M. Albiston

PRINT NAME

Albiston, Brannon & Gilbert

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

580 E. Main Street, Suite 330

Norfolk, VA 23510

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.



CT Corporation
Service of Process Notification

04/14/2023
CT Log Number 543633866

Service of Process Transmittal Summary

TO: Lori Hands
WAWA INC.
260 W Baltimore Pike
Media, PA 19063-5620

RE: Process Served in Virginia

FOR: WAWA, Inc. (Domestic State: NJ)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: EVELYN M. BAKER // To: WAWA, Inc.

CASE #: CL2300306300

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

PROCESS SERVED ON: C T Corporation System, Glen Allen, VA

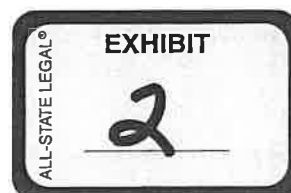
DATE/METHOD OF SERVICE: By Process Server on 04/14/2023 at 13:40

JURISDICTION SERVED: Virginia

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Sarah Braun sarah.braun@wawa.com
Email Notification, Lori Hands lori.hands@wawa.com

REGISTERED AGENT CONTACT: C T Corporation System
4701 Cox Road, Suite 285
Glen Allen, VA 23060
866-539-8692
CorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.





PROCESS SERVER DELIVERY DETAILS

Date: Fri, Apr 14, 2023
Server Name: Drop Service

Entity Served	WAWA, INC.
Case Number	CL2300306300
Jurisdiction	VA

Inserts		



COMMONWEALTH OF VIRGINIA



SUMMONS – CIVIL ACTION

RULE 3:5; VA. CODE § 8.01-2

Case No. CL23003063-00

NORFOLK

Circuit Court

150 ST. PAUL'S BLVD, 7TH FLOOR, NORFOLK 23510

ADDRESS

TO:

WAWA, INC. CT CORPORATION SYSTEM

4701 COX ROAD

SUITE 285

GLEN ALLEN, VA 23060

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia.

FEBRUARY 27, 2023

DATE

SCHAEFER, GEORGE E. III

Clerk

by /S/ HAWKINS, MATEO

DEPUTY CLERK

Instructions:

Hearing Official:

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

EVELYN M. BAKER,

Plaintiff,

v.

**LAW NO: _____
PLAINTIFF DEMANDS A
TRIAL BY JURY**

**WAWA, INC., d/b/a
WAWA STORE # 8645**

Defendant.

**SERVE: C T Corporation, Registered Agent
4701 Cox Road, Suite 285
Glenn Allen, VA 23060**

COMPLAINT

TAKE NOTICE that the Plaintiff, Evelyn Baker, hereby moves the Circuit Court of the City of Norfolk, at the courthouse thereof, for a judgment and award against, the Defendant, Wawa Inc., for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) for injuries sustained by the Plaintiff in a fall, and for reasons more specifically hereinafter set forth, to-wit:

1. That on or about the 20th day of April, 2022, the plaintiff, Evelyn Baker, was lawfully and properly a patron at Wawa located at 1146 N. Military Highway, Norfolk, Virginia.
2. That at the said time and place, the defendant, Wawa Inc., (hereinafter Wawa"), owned, maintained and controlled the aforementioned property as a business open to the public.
3. That at the said time and place, the defendant, Wawa, through its agents, servants and employees, owed a duty to have the property in a reasonably safe condition and to warn the plaintiff of any unsafe conditions which the defendant knew or should have known existed on the property

4. That a slippery substance was present near one of the cash registers, which caused plaintiff to fall and injure herself.

5. That by reason of the negligence of the defendant, Wawa, the plaintiff was caused to fall on the premises of the defendant and receive serious and permanent injuries.

6. That these injuries to the plaintiff have caused and will continue to cause and will in the future cause great physical pain, mental anguish and inconvenience; have required the plaintiff to expend large sums of money for medical expenses and will require her to incur medical expenses in the future.

7. As a direct and proximate result of plaintiff's injuries, she may reasonably be expected to sustain permanent injuries in the future, and the injuries may reasonably be expected to result in disfigurement and deformity with associated humiliation and embarrassment.

WHEREFORE, plaintiff moves the Court for a judgment and award against the defendant for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), with interest and costs aforesaid.

EVELYN M. BAKER

BY _____
Of Counsel

George T. Albiston, Esquire
VA State Bar No: 22967
Christopher M. Albiston, Esquire
VA State Bar No: 94637
ALBISTON BRANNON & GILBERT
580 E. Main Street, Suite 330
Norfolk, VA 23510
Phone: (757) 625-1011
Facsimile: (757) 625-1051
Email: george@albistonlaw.com

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

EVELYN M. BAKER,

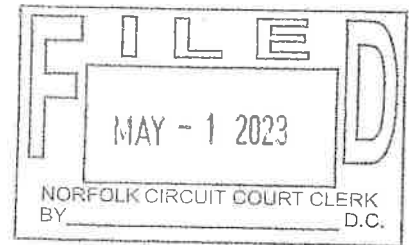
Plaintiff,

v.

Case No.: CL23-3063

WAWA, INC., d/b/a
WAWA STORE # 8645

Defendant.



ANSWER

Comes now the defendant, Wawa, Inc. ("the defendant" or "Wawa"), by counsel, and states the following as its answer to plaintiff's complaint.

1. The defendant has insufficient knowledge or information to admit or deny the allegations contained in paragraph 1 of the complaint and, thus, denies them and calls for strict proof thereof.

2. In response to paragraph 2 of the complaint, the defendant admits it maintained and controlled the premises but otherwise denies these allegations.

3. The defendant denies the allegations contained in paragraphs 3, 4 and 5 of the complaint.

4. The defendant has insufficient knowledge or information to admit or deny the allegations contained in paragraphs 6 and 7 of the complaint and, thus, denies them and calls for strict proof thereof.

5. The defendant denies being indebted to plaintiff in the amount of \$250,000.00, plus interest and costs, or in any other amount.



6. All allegations contained in the complaint not previously responded to are hereby denied.

7. The defendant affirmatively avers that plaintiff was contributorily negligent and that such contributory negligence was a proximate cause of this incident and plaintiff's injuries.

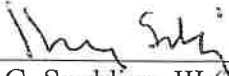
8. The defendant affirmatively avers that any dangerous condition was open and obvious.

9. The defendant affirmatively avers that plaintiff has failed to mitigate her damages.

10. The defendant reserves the right to amend, modify or supplement this answer at any time.

WHEREFORE, the defendant, Wawa, Inc., by counsel, moves this court to dismiss this action and to award it its costs.

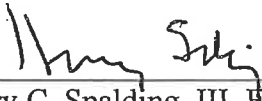
WAWA, INC., d/b/a
WAWA STORE #8645
By Counsel


Henry C. Spalding, III (VSB No. 34382)
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, VA 23219-4140
Telephone: (804) 649-7545
Facsimile: (804) 780-1813
Counsel for Defendant Wawa, Inc., d/b/a Wawa Store #8645

CERTIFICATE

I hereby certify that on this 28th day of April 2023, a true copy of the foregoing was sent
by and mailed, first-class and postage prepaid, to:

George T. Albiston, Esq.
Christopher M. Albiston, Esq.
Albiston, Brannon & Gilbert, PLLC
580 East Main Street, Suite 330
Norfolk, VA 23510
Counsel for Plaintiff



Henry C. Spalding, III, Esq.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

EVELYN M. BAKER,

Plaintiff,

v.

Case No.: CL23-3063

WAWA, INC., d/b/a
WAWA STORE # 8645

Defendant.

**NOTICE OF FILING OF NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT**


To: Hon. George E. Schaefer, Clerk
Norfolk Circuit Court
150 St. Paul's Boulevard, 7th Floor
Norfolk, VA 23510-2773

Please take notice that on May 11, 2023, the defendant, Wawa, Inc. d/b/a Wawa Store # 8645, by counsel, filed in the United States District Court for the Eastern District of Virginia, Norfolk Division, a Notice of Removal asking that Court to assume jurisdiction over this matter. A copy of the Notice of Removal, with attached exhibits, is attached as Exhibit A. As shown by the Certificate below, a copy of this Notice of Filing of Notice of Removal, with Exhibits, has today been served upon the plaintiff, through her counsel, by way of U.S. mail, first-class and postage prepaid, and filed electronically with the Clerk, United States District Court for the Eastern District of Virginia, Norfolk Division.

This notice is given pursuant to 28 U.S.C. § 1446(d), which provides that upon the giving of such notice, the state court shall proceed no further unless and until the case is remanded.



WAWA, INC. D/B/A WAWA STORE #
8645
By Counsel

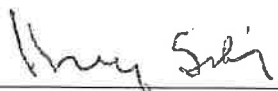


Henry C. Spalding, III (VSB No. 34382)
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, VA 23219-4140
Telephone: (804) 649-7545
Facsimile: (804) 780-1813
Counsel for Defendant Wawa, Inc. d/b/a Wawa Store # 8645

CERTIFICATE

I hereby certify that on this 11th day of May 2023, a true copy of the foregoing was sent
by and mailed, first-class and postage prepaid, to:

George T. Albiston, Esq.
Christopher M. Albiston, Esq.
Albiston, Brannon & Gilbert, PLLC
580 East Main Street, Suite 330
Norfolk, VA 23510
Counsel for Plaintiff



Henry C. Spalding, III, Esq.